

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ROBERT E.¹,

Plaintiff,

Case No. 6:16-cv-00117-JE

v.

OPINION & ORDER

NANCY A. BERRYHILL,

Acting Commissioner of the Social Security Administration,

Defendant.

MOSMAN, J.,

On August 13, 2018, Magistrate Judge John Jelderks issued his Findings and Recommendation (F&R) [35], recommending that the Commissioner's decision be AFFIRMED. Plaintiff Robert Drake Ewbank filed objections [39]. The Commissioner filed a response [40].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the nongovernmental party in this case.

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Jelderks's recommendation and I ADOPT the F&R [35] as my own opinion. The Commissioner's decision is AFFIRMED and this case is dismissed with prejudice.

IT IS SO ORDERED.

DATED this 26 day of September, 2018.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge